

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

December 13, through December 19, 2019

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

MATTER OF FORECLOSURE OF TAX LIENS (ORANGE COUNTY v GOLDMAN):

2ND Dept. App. Div. order of 10/24/18; affirmance with one-Justice dissenting; sua sponte examination of whether the order appealed from finally determines a proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Taxation--Tax Liens, Tax Sales and Tax Titles--Whether the petition in a proceeding pursuant to RPTL article 11 to foreclose on a tax lien was properly dismissed when the proceeding was commenced against deceased record owners of the property;

Supreme Court, Orange County, in a proceeding pursuant to RPTL article 11 to foreclose a tax lien, denied petitioner's motion for summary judgment on the petition and to strike the answer, and in effect, upon searching the record, dismissed the petition; App. Div. affirmed.